

PH-40C

QUERY CONTROL FORM		RTIS USE ONLY	
Application No. <u>09/977653</u>	Prepared by <u>owc</u>	Tracking Number <u>05927486</u>	
Examiner-GAU <u>Prouty</u>	Date <u>8/18/04</u>	Week Date <u>8-29-04</u>	
<u>1652</u>	No. of queries <u>-1-</u>	IFW	

JACKET			
a. Serial No.	f. Foreign Priority	k. Print Claim(s)	p. <u>PTO-1449</u>
b. Applicant(s)	g. Disclaimer	l. Print Fig.	q. PTOL-85b
c. Continuing Data	h. Microfiche Appendix	m. Searched Column	r. Abstract
d. PCT	i. Title	n. PTO-270/328	s. Sheets/Figs
e. Domestic Priority	j. Claims Allowed	o. PTO-892	t. Other

SPECIFICATION	MESSAGE
a. Page Missing	<p>PTO-1449 forms are illegible.</p> <p>Please provide clear copies.</p> <p>Thank you</p> <p>see attached owc</p>
b. Text Continuity	
c. Holes through Data	
d. Other Missing Text	
e. Illegible Text	
f. Duplicate Text	
g. Brief Description	
h. Sequence Listing	
i. Appendix	
j. Amendments	
k. Other	
<b>CLAIMS</b>	
a. Claim(s) Missing	
b. Improper Dependency	
c. Duplicate Numbers	
d. Incorrect Numbering	
e. Index Disagrees	
f. Punctuation	
g. Amendments	
h. Bracketing	
i. Missing Text	
j. Duplicate Text	
k. Other	
	initials
	<b>RESPONSE</b>
	Documents Rescanned
	initials

Please type a plus sign (+) inside this box ☒



PTO/SB/06A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to furnish information to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	09/977,653
		Filing Date	October 15, 2001
		First Name of Inventor	Mark Thompson
		Group Art Unit	1652
Examiner Name	R. Prouty		
Attorney Docket Number	MA-702D2		

RECEIVED  
FEB 15 2002  
TECH CENTER 600/2900

U.S. PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>2</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>3</sup> (if known)			
RP	U1	4,448,885		Schnepf et al.	05-15-1984	(Please review all)
RP	U2	4,487,036		Schnepf et al.	08-21-1984	(Please review all)
RP	U3	4,797,276		Herrnstadt et al.	01-10-1989	(Please review all)
RP	U4	4,849,217		Soares et al.	07-18-1989	(Please review all)
RP	U5	4,853,331		Herrnstadt et al.	08-01-1989	(Please review all)
RP	U6	4,918,006		Eliar et al.	04-17-1990	(Please review all)
RP	U7	4,948,734		Edwards et al.	08-14-1990	(Please review all)
RP	U8	4,990,332		Payne et al.	02-05-1991	(Please review all)
RP	U9	5,039,523		Payne et al.	08-13-1991	(Please review all)
RP	U10	5,093,120		Edwards et al.	03-03-1992	(Please review all)
RP	U11	5,126,133		Payne et al.	06-30-1992	(Please review all)
RP	U12	5,151,363		Payne	09-29-1992	(Please review all)
RP	U13	5,164,180		Payne et al.	11-17-1992	(Please review all)
RP	U14	5,169,629		Payne et al.	12-08-1992	(Please review all)

FOREIGN PATENT DOCUMENTS							
Examiner Initials <sup>1</sup>	Cite No. <sup>2</sup>	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		Office <sup>3</sup>	Number <sup>4</sup>				
RP	F1	EP	0 462 721	Narva et al.	06-04-1991	(Please review all)	
RP	F2	EP	0 500 311	Bradfish et al.	08-26-1992	(Please review all)	
RP	F3	WO	92/19739	Schnepf et al.	11-12-1992	(Please review all)	
RP	F4	WO	94/04684	Payne et al.	03-03-1994	(Please review all)	
RP	F5	WO	97/13402	Merlo et al.	04-17-1997	(Please review all)	
	F6						
	F7						
	F8						
	F9						
	F10						

Examiner Signature	Rebecca Prouty	Date Considered	5/19/04
--------------------	----------------	-----------------	---------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Best Available Copy

Please type a plus sign (+) inside this box → ☐



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 4

Complete If Known

Application Number 09/977,653  
Filing Date October 16, 2001  
First Named Inventor Mark Thompson  
Group Art Unit 1852  
Examiner Name R. Prouty  
Attorney Docket Number MA-702D2

RECEIVED

FEB 13 2002

TECH CENTER 600/2900

## U.S. PATENT DOCUMENTS

Examiner Initials <sup>a</sup>	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
RP	U15	5,186,934		Narva et al.	02-18-1993	(Please review all)
RP	U16	5,208,017		Bradfish et al.	05-04-1993	(Please review all)
RP	U17	5,236,843		Narva et al.	06-17-1993	(Please review all)
RP	U18	5,262,159		Payne et al.	11-18-1993	(Please review all)
RP	U19	5,262,399		Hickie et al.	11-18-1993	(Please review all)
RP	U20	5,270,448		Payne	12-14-1993	(Please review all)
RP	U21	5,281,530		Sick et al.	01-25-1994	(Please review all)
RP	U22	5,288,485		Uyeda et al.	02-15-1994	(Please review all)
RP	U23	5,322,932		Narva et al.	08-21-1994	(Please review all)
RP	U24	5,350,577		Payne	08-27-1994	(Please review all)
RP	U25	5,426,049		Sick et al.	06-20-1995	(Please review all)
RP	U26	5,427,788		Payne et al.	06-27-1995	(Please review all)
RP	U27	5,439,881		Narva et al.	08-08-1995	(Please review all)
RP	U28	5,468,636		Payne et al.	11-21-1995	(Please review all)

## FOREIGN PATENT DOCUMENTS

Examiner Initials <sup>a</sup>	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		Office <sup>3</sup>	Number <sup>2</sup>	Kind Code <sup>5</sup> (if known)				
	F1							
	F2							
	F3							
	F4							
	F5							
	F6							
	F7							
	F8							
	F9							
	F10							

Examiner Signature Rebecca Prouty Date Considered 5/19/04

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Best Available Copy

Please type a plus sign (+) inside this box → ☒Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to furnish information to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	09/977,853
Filing Date	October 15, 2001
First Named Inventor	Mark Thompson
Group Art Unit	1652
Examiner Name	R. Prouty
Attorney Docket Number	MA-702D2

**RECEIVED**

FEB 13 2002

TECH CENTER 1600/2900

Sheet 3 of 4

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.†	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T*
RP	R1	ADANG, M.J. et al., "Characterized Full-Length and Truncated Plasmid Clones of the Crystal Protein of <i>Bacillus thuringiensis</i> subsp. <i>Kurstaki</i> HD-73 and Their Toxicity to <i>Manduca sexta</i> ," <i>Gene</i> , 1985, pgs. 289-300, vol. 38.	
RP	R2	BEEGLE, C.C., "Use of Entomogenous Bacteria in Agroecosystems," <i>Developments in Industrial Microbiology</i> , 1978, pgs. 97-104, vol. 20.	
RP	R3	BOTTJER, Kurt P. et al., "Nematode: Susceptibility of the Egg to <i>Bacillus thuringiensis</i> Toxin," <i>Experimental Parasitology</i> , 1985, pgs. 239-244, vol. 60.	
RP	R4	CIORDIA and W.E. Bizzell, "A Preliminary Report on the Effects of <i>Bacillus thuringiensis</i> var. <i>thuringiensis</i> Berliner on the Development of the Free-Living Stages of Some Cattle Nematodes," <i>Journal of Parasitology</i> , 1961, vol. 47, issue 41, Abstract.	
RP	R5	COLES, G.C., "Anthelmintic Resistance in Sheep," <i>Veterinary Clinics of North America, Food Animal Practice</i> , 1986, pgs. 423-432, vol. 2(2).	
RP	R6	COUCH, T.L., "Mosquito Pathogenicity of <i>Bacillus thuringiensis</i> var. <i>israelensis</i> ," <i>Developments in Industrial Microbiology</i> , 1980, pgs. 61-76, vol. 22.	
RP	R7	CRICKMORE, N. et al., Society for Invertebrate Pathology, 29 <sup>th</sup> Annual Meeting, 3 <sup>rd</sup> International Colloquium on <i>Bacillus thuringiensis</i> , University of Cordoba, September 1-6, 1986, Abstract.	
RP	R8	ELY, S., "The Engineering of Plants to Express <i>Bacillus thuringiensis</i> Delta-Endotoxins," <i>Bacillus thuringiensis. An Environmental Pesticide: Theory and Practice</i> , Entwistle, P.F. et al. (eds.), 1993, pgs. 105-124.	
RP	R9	FEITELSON, J.S. et al., " <i>Bacillus thuringiensis</i> : Insects and Beyond," <i>BioTechnology</i> , 1992, pgs. 271-275, vol. 10.	
RP	R10	GAERTNER, F. and Leo Kim, "Current Applied Recombinant DNA Projects," <i>TIBTECH</i> , 1988, pgs. 54-57, vol. 8(4).	
RP	R11	GAERTNER, F.H., "Cellular Delivery Systems for Insecticidal Proteins: Living and Non-Living Microorganisms," <i>Controlled Delivery of Crop-Protection Agents</i> , R.M. Wilkins, ed., 1989, pgs. 245-255, Taylor and Francis, New York and London, 1990.	
RP	R12	HOFTE, H. and H.R. Whiteley, "Insecticidal Crystal Proteins of <i>Bacillus thuringiensis</i> ," <i>Microbiological Reviews</i> , 1989, pgs. 242-255, vol. 53(2).	
RP	R13	IGNOFFO, C.M. et al., "Deleterious Effects of the Thermostable Toxin of <i>Bacillus thuringiensis</i> on Species of Soil-Inhabiting, Mycetophagous, and Plant-Parasitic Nematodes," <i>Journal of the Kansas Entomological Society</i> , pgs. 394-398, vol. 50(3).	

Examiner Signature	Rebecca Prouty	Date Considered	5/19/04
--------------------	----------------	-----------------	---------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

† Unique citation designation number. ‡ Applicant is to place a check mark here if English language Translation is attached.

+ Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Best Available Copy

Please type a plus sign (+) inside this box →



Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 14499/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Application Number 09/977,653

Filing Date October 16, 2001

First Named Inventor Mark Thompson

Group Art Unit 1652

Examiner Name R. Prouty

Attorney Docket Number MA-702D2

RECEIVED

FEB 13 2002

TECH CENTER 600/2900

Sheet

4

of

4

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article, (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
RP	R14	KRIEG, V.A. et al., "Bacillus thuringiensis var. tenebrionis: a New Pathotype Effective Against Larvae of Coleoptera," Z. Ang. Ent., 1993, pgs. 500-508, vol. 96.	
RP	R15	NICHOLLS, C.N. et al., "Evidence for Two Different Types of Insecticidal P2 Toxins with Dual Specificity in Bacillus thuringiensis Subspecies," Journal of Bacteriology, 1988, pgs. 5141-5147, vol. 171(9).	
RP	R16	PRICHARD, R.K. et al., "The Problem of Anthelmintic Resistance in Nematodes," Australian Veterinary Journal, 1980, pgs. 239-251, vol. 56.	
RP	R17	SCHNEPP, H.E. and H.R. Whitaley, "Cloning and Expression of the Bacillus thuringiensis Crystal Protein Gene in Escheria coli," Proc. Natl. Acad. Sci. USA, 1981, pgs. 2693-2697, vol. 78(5).	
RP	R18	SCHNEPP, H.E. et al., "The Amino Acid Sequence of a Crystal Protein from Bacillus thuringiensis Deduced from the DNA Base Sequence," The Journal of Biological Chemistry, 1985, pgs. 6284-6272, vol. 260(10).	
RP	R19	VISSER, B. et al., "Domain-Function Studies of Bacillus thuringiensis Crystal Proteins: A Genetic Approach," Bacillus thuringiensis. An Environmental Pesticide: Theory and Practice, Entwistle, P.F. et al. (eds.), 1993, pgs. 71-88.	
RP	R20	WABIKO, H. et al., "Bacillus thuringiensis Entomocidal Protein Gene Sequence and Gene Product Analysis," DNA, 1986, pgs. 305-314, vol. 5(4).	
	R21		
	R22		
	R23		
	R24		
	R25		
	R26		

Examiner Signature	Rebecca Prouty	Date Considered	5/19/04
--------------------	----------------	-----------------	---------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Best Available Copy